

1 fact that it's cumulative since questions have already been
2 asked and answered with respect to this matter.

3 JUDGE SIPPEL: Mr. Zauner, on the authenticity
4 objection?

5 MR. ZAUNER: Yes. The document bears a stamp of the
6 clerk of the District Court of the District of Arizona dated
7 December 2, 1991. It bears the signatures of the Assistant
8 United States Attorney and it also bears the signatures of --
9 or the signature of the attorney for the Arizona Agricultural
10 Credit Association. The other documents attached thereto bear
11 the signature of Richard Richards himself who is here before
12 us.

13 MR. McCARTIN: Your Honor, the document may purport
14 to bear these signatures, but there's no evidence of record
15 that these, in fact, are the signatures of the people who are
16 represented therein. Secondly, the fact that a document that
17 Mr. Richards may have executed is attached as an exhibit to
18 this certainly doesn't validate or authenticate the exhibit
19 itself.

20 JUDGE SIPPEL: Well, this is -- this has -- these
21 documents have all the indicia of reliability, albeit they are
22 photocopies and they don't have a seal from the clerk of the
23 court reflecting their authenticity. There is provision under
24 the Federal Rules for receiving copies. If that's the only
25 objection, I'm going to receive it. But you have another

1 objection and that is what? It's duplicitous?

2 MR. McCARTIN: Well, it's cumulative because Mr.
3 Zauner has already asked questions about this lien and they've
4 been answered. Secondly, as I said before, this is a document
5 that is stamped December 2, 1991. You know, we have no --
6 there is no evidence as to the subsequent history of this
7 proceeding or this particular document, whether it's been
8 amended or not. If this document is coming in for the truth
9 of the matter as asserted therein, it's -- you know, it's
10 improper.

11 JUDGE SIPPEL: Well, you'll have -- I mean, the
12 record's going to be open for a period of time. If there is
13 something that supplements this or postdates this for further
14 clarification or explanation or validation, we'll accept it.
15 I would receive it into evidence.

16 MR. McCARTIN: But, Your Honor, we're not the ones
17 introducing this. It shouldn't be our burden to do Mr.
18 Zauner's homework on this. It appears to me this was an
19 afterthought and that it should have been something thought
20 out beforehand.

21 JUDGE SIPPEL: Well, as I say, there's no reason to
22 suspect that there's -- that there is an additional amendment
23 to this that would alter it. Do you know of anything else,
24 Mr. Zauner?

25 MR. ZAUNER: No, Your Honor, I don't.

1 MR. McCARTIN: But, Your Honor, this --

2 JUDGE SIPPEL: How did -- wait. Let me ask Mr.
3 Zauner. How did you get this document?

4 MR. ZAUNER: I obtained the document from -- I'm
5 sorry. I've got the wrong document.

6 JUDGE SIPPEL: We're talking about your Exhibit Six
7 for identification, the settlement.

8 MR. ZAUNER: I obtained this document from the
9 Assistant United States Attorney who signed the document,
10 Cindy K. Jorgenson.

11 JUDGE SIPPEL: Your Honor, is this document being
12 offered for impeachment purposes? Is it being offered for the
13 truth of the matter asserted therein? In which case, I would
14 submit be hearsay. I just am not clear on the purpose that
15 this document's being offered for.

16 MR. ZAUNER: It's being offered for the purpose of
17 showing that there is a lien on the property and the amount of
18 that lien.

19 MR. McCARTIN: So it's being offered for the truth
20 of the matter asserted therein.

21 MR. ZAUNER: That is correct.

22 MR. McCARTIN: And I would object on the grounds of
23 hearsay.

24 MR. ZAUNER: Well, Your Honor, with regard to that
25 argument, we've had testimony from this witness who confirms,

1 in fact, that this lien exists. This is just to document the
2 evidence establishing a lien in the amount of the lien.
3 There's no dispute as to whether the lien exists and even the
4 testimony of the witness is in the amount that he has stated
5 the lien was as close to what the figure is here.

6 JUDGE SIPPEL: So you're not introducing it for the
7 purposes of impeaching the testimony of this witness.

8 MR. ZAUNER: No, Your Honor. Just to establish what
9 the exact figures are and to show, for the record, what
10 happened as far as that property goes that was the subject of
11 the forfeiture.

12 MR. McCARTIN: Your Honor, once again, that
13 certainly goes beyond trying to confirm what the amount is.
14 He just said that it's offered to show what happened to the
15 property and --

16 JUDGE SIPPEL: Well -- go on. Go ahead, finish.

17 MR. McCARTIN: And that's precisely the truth of the
18 -- Mr. Zauner is offering this document for -- to submit that
19 the facts asserted herein are true and to rely on those facts
20 down the road and I submit that that's an improper use of this
21 document.

22 JUDGE SIPPEL: Well, I'm going to receive it into
23 evidence. It is entitled a Stipulated Expedited Settlement
24 Agreement. It's a settlement agreement. It is not a document
25 such as a pleading which would be making allegations. This is

1 a resuscitation of matters as of December 2, 1991. It's got
2 all of the earmarks of a reliable document.

3 And it would help, it seems to me in terms of making
4 this record, to clarify or specify or be able -- enable
5 findings to be made with more precision with respect to the
6 Arizona Agricultural Credit Association situation and I mean,
7 I certainly want to get this evidence, evidence of this
8 nature, evidence of these subjects in, in the most precise way
9 that I can. This, to me, improves upon what the witness
10 testified to and it's understandable. The individual can only
11 go so far with his recollection.

12 MR. ZAUNER: I'm not attempting an impeachment by
13 this by any means.

14 JUDGE SIPPEL: We're not trying to trick him up on
15 dollar amounts or something like that. This is -- I'm going
16 to receive it into evidence for the purposes that I've
17 indicated and it's received now. Bureau Exhibit 6 is in.

18 (Whereupon, the document referred
19 to as Bureau Exhibit Number 6 was
20 received into evidence.)

21 MR. ZAUNER: Your Honor, at this time I'd like to
22 offer for identification as Mass Media Bureau Exhibit Seven a
23 five-page document filed in the United States District Court,
24 District of Arizona, and it's a Stipulated Expedited
25 Settlement Agreement for Civil Forfeiture and Your Honor, this

1 is the stipulation between the United States of America and
2 Citibank of Arizona which Mr. Richards testified to earlier.

3 JUDGE SIPPEL: All right. How many pages is this
4 document?

5 MR. ZAUNER: Five, Your Honor.

6 JUDGE SIPPEL: All right. This is entitled
7 Stipulated Expedited Settlement Agreement for Civil Forfeiture
8 and this is being marked as this time by the reporter as the
9 Bureau's Exhibit Number 7 for identification.

10 (Whereupon, the document referred
11 to as Bureau Exhibit Number 7
12 was marked for identification.)

13 MR. ZAUNER: Your Honor, I offer into evidence Mass
14 Media Bureau Exhibit Seven marked for identification.

15 JUDGE SIPPEL: And this pertains to something that
16 the witness has testified to. Is that correct?

17 MR. ZAUNER: Yes, Your Honor. This is the --
18 pertains to the claim by the Citibank of Arizona with regard
19 to the Montezuma Ranch property.

20 JUDGE SIPPEL: The witness is not a party to this
21 document. Is that correct?

22 MR. ZAUNER: That is correct. This is between the
23 United States of America and Citibank of Arizona.

24 JUDGE SIPPEL: Do you have any knowledge of this
25 document, Mr. Richards? Have you seen it?

1 WITNESS: No, I haven't been privy to that.

2 JUDGE SIPPEL: You've never seen this document.

3 WITNESS: No.

4 JUDGE SIPPEL: Again, we've got the same objection
5 of hearsay?

6 MR. McCARTIN: Your Honor, I object on the multiple
7 grounds that I objected before, hearsay, accumulative,
8 relevance, not authenticated.

9 JUDGE SIPPEL: You feel that there's some -- is
10 there anything specific about this document that would tend to
11 shed some light on its reliability other than the standard
12 authenticity objections?

13 MR. McCARTIN: I have no information about the
14 reliability or authenticity of this document or not. This is
15 the first time I've seen it.

16 JUDGE SIPPEL: This is the first you've had an
17 opportunity to see it. All right. Is that true with -- also
18 with respect to Exhibit Six?

19 MR. McCARTIN: Yes, it is.

20 JUDGE SIPPEL: The first you've ever seen of it?

21 MR. McCARTIN: Yes, it is.

22 JUDGE SIPPEL: All right. What I'm going to do is
23 I've conditionally -- I'm going to amend my receipt of Exhibit
24 Six as being conditional, subject to you having an opportunity
25 to further consider this to evidence, Mr. McCartin. I did not

1 -- I was not aware of the fact that you had not seen this
2 before -- before today.

3 However, obviously my inclination is to receive this
4 into evidence. You're going to have to show something more
5 than you did today in order to keep it out when we come back
6 next time. Let's get this marked -- this is -- Number Seven
7 is marked and it's the Stipulated Expedited Settlement
8 Agreement for Civil Forfeiture and the best date on it is
9 what, Mr. Zauner? 8 May 1992?

10 MR. ZAUNER: Eighth day of May 1992, Your Honor.

11 JUDGE SIPPEL: All right. It's marked.

12 MR. ZAUNER: And it looks like it was received on
13 June 1, 1992 and the certificate of service on the next to the
14 last page indicates it was mailed the first day of June 1992.

15 JUDGE SIPPEL: Well, we'll come back to this when we
16 have our next session. It's marked.

17 MR. ZAUNER: And Your Honor, I would like to have
18 marked for identification as Mass Media Bureau Exhibit Eight a
19 Motion for Leave to File an Amended Claim filed in the United
20 States District Court, District of Arizona. It bears the
21 stamp of the U.S. Attorney's Office in Tucson dated July 23,
22 1992. This is a four-page exhibit. The last page is somewhat
23 different. It is headed Notice of Hearing and bears the
24 signature of J. Bert Vargas, Attorney for Claimant.

25 JUDGE SIPPEL: A notice of hearing? Is that what

1 you said?

2 MR. ZAUNER: That is correct, Notice of Hearing.

3 JUDGE SIPPEL: All right. Let's have the reporter

4 mark that and get copies around to Counsel and to the witness.

5 MR. ZAUNER: Your Honor, I believe Counsel already

6 has a copy of this document.

7 MR. McCARTIN: Which is this?

8 MR. ZAUNER: This is the Elsie Weick document.

9 MR. McCARTIN: Did you give that to me earlier

10 today?

11 MR. ZAUNER: Yes. And I believe Your Honor also has

12 a copy. Is that correct?

13 MR. McCARTIN: And it just needs to be marked

14 Exhibit Eight, correct?

15 MR. ZAUNER: That's correct.

16 MR. McCARTIN: And that would be Exhibit Eight.

17 JUDGE SIPPEL: That was the first document that you

18 passed up to the witness.

19 MR. ZAUNER: That is correct. I'm going to give the

20 court reporter two copies.

21 (Whereupon, the document referred

22 to as Bureau Exhibit Number 8

23 was marked for identification.)

24 JUDGE SIPPEL: And again, this is the first time

25 that you've seen this. Is that --

1 MR. McCARTIN: Yes, it is, Your Honor.

2 JUDGE SIPPEL: Well, I'm going to then reserve
3 ruling on its receipt into evidence, although I've indicated
4 very clearly what my -- which way I'm going on this evidence.
5 It should come in unless I'm convinced otherwise. Is that it
6 then, Mr. Zauner?

7 MR. ZAUNER: Very close, Your Honor. I have just
8 one more area, a very small one.

9 JUDGE SIPPEL: Well, you be sure that, you know, you
10 get it done the way you want to get it done. It's only 25
11 after three.

12 BY MR. ZAUNER:

13 Q I'm going to show you a copy of an appraisal report
14 and I'm going to ask you if you've ever seen a copy of this
15 before.

16 JUDGE SIPPEL: Do you have a count on the pages on
17 this, Mr. Zauner?

18 MR. ZAUNER: I may not be offering this into
19 evidence, Your Honor, or even having it marked.

20 JUDGE SIPPEL: This looks like a standard form of
21 the -- this is called Uniform Residential Appraisal Report.
22 Let's go off the record so the witness can look at it.

23 (Off the record.)

24 (On the record.)

25 JUDGE SIPPEL: We're on the record.

1 BY MR. ZAUNER:

2 Q Have you ever seen this document before?

3 A I haven't seen it. I've heard about it.

4 Q Where did you hear about it?

5 A From the U.S. Attorney's Office.

6 Q What were you told about it?

7 MR. MCCARTIN: Objection. Hearsay.

8 JUDGE SIPPEL: I'm going to overrule the objection.

9 He can testify as to --

10 WITNESS: I was told that they were going to hire an
11 appraiser to appraise, I was told, the 50 acres that the
12 Arizona Production Credit --

13 BY MR. ZAUNER:

14 Q 50 acres?

15 A That's what I was told. If this is different, then
16 it's obviously -- I misunderstood it or something.

17 Q Were you ever told the amount the property was
18 appraised at?

19 A No.

20 Q Had you ever seen a copy of this Uniform Residential
21 Appraisal Report before?

22 A No.

23 MR. ZAUNER: Your Honor, I have no further
24 questions.

25 JUDGE SIPPEL: What is the -- what is the bottom

1 line on the -- the estimated market value reads as being -- do
2 I see it -- am I reading this correctly? -- as of October 30,
3 1991 to be \$160,000?

4 WITNESS: That's correct, Your Honor.

5 MR. SCHATTENFIELD: This was an United States
6 appraisal?

7 MR. ZAUNER: This is what it purports to be, an
8 appraisal done at the request of the U.S. Marshal Service, as
9 I read it.

10 JUDGE SIPPEL: All right. I don't want to get into
11 a further discussion because it's not into evidence. I just
12 wanted -- but if you're going to be not even offering it into
13 evidence.

14 JUDGE SIPPEL: All right. If for some reason --

15 MR. ZAUNER: This witness had no knowledge of it, so
16 I'm not going to pursue it any further. I don't have a
17 sponsoring witness for it and --

18 JUDGE SIPPEL: All right. Then it's a moot issue as
19 far as findings are concerned.

20 MR. ZAUNER: That's correct, Your Honor.

21 JUDGE SIPPEL: Anything further, Mr. Zauner?

22 MR. ZAUNER: No, Your Honor.

23 JUDGE SIPPEL: Any redirect? Do you want to --

24 MR. MCCARTIN: Yes, Your Honor. If we could have a
25 period of time to gather our questions.

1 JUDGE SIPPEL: All right. We'll come back at 20
2 minutes of four by that clock in the back of the room.

3 (Off the record.)

4 (On the record.)

5 JUDGE SIPPEL: It's almost ten minutes of four and
6 it's time for some redirect. I think before you do, I should
7 probably -- there's a couple of questions that I want to ask,
8 reviewing my notes during the recess. First question is with
9 respect to this property, how did you happen to get this
10 property, this 82.5 acres? How did it come to you?

11 WITNESS: My mother and father purchased it in 1969.

12 JUDGE SIPPEL: And?

13 WITNESS: They kept it until 1975. In 1975, it was
14 transferred to a Mrs. Hughes with a contract that at any time
15 that she would be paid any funds that she had put out for
16 payments or improvements, that the contract stated that I
17 would be able to pay her off and receive the total ranch back.

18 JUDGE SIPPEL: Any particular date for that to
19 happen?

20 WITNESS: No, it was unlimited, but the funds --
21 whatever funds that she had paid off would have to be paid
22 back.

23 JUDGE SIPPEL: Why was it then -- and you'd be able
24 to -- this, in effect, gave you an option to acquire the land?

25 WITNESS: Correct.

1 JUDGE SIPPEL: Assuming that you paid back what the
2 -- any improvements -- the cost of any improvements.

3 WITNESS: Correct.

4 JUDGE SIPPEL: And why was this woman used as an
5 intermediary? What was her name again?

6 WITNESS: Patricia Hughes.

7 JUDGE SIPPEL: Why was Patricia Hughes used as an
8 intermediary like that?

9 WITNESS: Patricia Hughes was a lady from Mesa,
10 Arizona who owned Apache Wells Mobile Home Park, a very large
11 park. She was a very wealthy lady. We had entered into an
12 agreement to produce vegetables on the ranch and do a communal
13 health spa on the ranch.

14 JUDGE SIPPEL: So it was sort of a joint venture?

15 WITNESS: Correct.

16 JUDGE SIPPEL: And the joint venture was between
17 your parents and Mrs. Hughes?

18 WITNESS: Between myself and Mrs. Hughes.

19 JUDGE SIPPEL: This is -- was this a joint venture
20 after Mrs. Hughes acquired title from your parents?

21 WITNESS: No, before. Before or at the time.

22 JUDGE SIPPEL: Now, my question is the property was
23 acquired by your parents in '69 and then they deeded title
24 over to Mrs. Hughes subject to this -- these conditions --

25 WITNESS: Correct.

1 JUDGE SIPPEL: -- that you've outlined. My question
2 is why didn't they just deed the property to you and let you
3 continue with -- or make this arrangement with Mrs. Hughes?

4 WITNESS: Because Mrs. Hughes had the money and she
5 wanted the property in her name and it was in my parents'
6 name, so they just deeded it direct to her.

7 JUDGE SIPPEL: She had the money to do what?

8 WITNESS: To improve it and to follow through with
9 the making this into a communal health resort.

10 JUDGE SIPPEL: And then you purchased it from Mrs.
11 Hughes?

12 WITNESS: I purchased it -- I paid off Mrs. Hughes
13 --

14 JUDGE SIPPEL: When was that?

15 WITNESS: -- in total. Right around 1985.

16 JUDGE SIPPEL: How much was that approximately? Do
17 you recall?

18 WITNESS: The amount of money she had in, about 60-
19 some thousand dollars.

20 JUDGE SIPPEL: Did you pay her in cash?

21 WITNESS: Yes. She was paid from the monies from
22 the government.

23 JUDGE SIPPEL: Back in 1985 -- when you say the
24 government, is this in connection with the --

25 WITNESS: Scenic easement.

1 JUDGE SIPPEL: Proceeds from the scenic easement
2 were used to pay off her \$60,000 debt.

3 WITNESS: \$65,000 or \$67,000, something like that.

4 JUDGE SIPPEL: We're talking round figures. Now --
5 so as of 1985, I take it Mrs. Hughes, she was totally out of
6 the picture --

7 WITNESS: Correct.

8 JUDGE SIPPEL: -- as far as that land was concerned.

9 WITNESS: Correct.

10 JUDGE SIPPEL: Do you have any other obligations to
11 Mrs. Hughes?

12 WITNESS: No.

13 JUDGE SIPPEL: You don't owe her anything?

14 WITNESS: Nothing.

15 JUDGE SIPPEL: Now, the other question I had is in
16 the event your license were to be renewed, what would you do
17 with the station?

18 WITNESS: I would -- what I would do is establish a
19 studio in Sierra Vista, Arizona, on the flatlands, bearing in
20 mind that this transmitter and receiving dish is located atop
21 of the highest mountain we have at 7,300 feet, only accessible
22 with four-wheel drive.

23 So I would take the satellite dish, put it down on
24 the flatlands in the city of Sierra Vista, population of about
25 30,000, 35,000, and I would make a studio so that I could

1 switch from satellite to live and present local programming,
2 community broadcast local programming so that I would
3 establish that I was a community broadcast station with local
4 programming and therefore, the cable companies would be
5 required to carry that signal which there are approximately
6 30,000 to 35,000 cable homes within the Cochise County area
7 which is the total area that I cover. So it would make the
8 opportunity for this one and only TV station to be carried in
9 all the homes in Cochise County.

10 JUDGE SIPPEL: Would you be negotiating for
11 compensation from the cable companies for that if that was
12 available to you?

13 WITNESS: I think they are obligated to pay
14 something, but I don't know what that really is.

15 JUDGE SIPPEL: You're not sure how that works.

16 WITNESS: I'm not sure how that works.

17 JUDGE SIPPEL: You haven't gotten that far yet.

18 WITNESS: Well, no, we haven't gotten that far and
19 actually, the FCC has not actually even determined Number One,
20 what is considered local programming. Is it one hour or is it
21 two hours a day or is it once a week or -- that hasn't yet to
22 be determined. So when they determine that, then of course,
23 that would help me to know.

24 JUDGE SIPPEL: All right. Now, in the hearing
25 designation order, it says that you -- it refers to in

1 Footnote Two a related application to assign the license of
2 the station from yourself to Mrs. -- to Elsie Weick. What's
3 the status of that?

4 WITNESS: Well, I understood that status to be --

5 JUDGE SIPPEL: I mean, as far as you're concerned.

6 WITNESS: It's mute.

7 JUDGE SIPPEL: It's moot? Assuming that the -- it's
8 moot by virtue of the fact that you're in hearings.

9 WITNESS: Well, because I was notified by the FCC
10 that it was being held in abeyance.

11 JUDGE SIPPEL: Now, supposing, as I say, that you
12 were successful in getting your renewal and there was no
13 longer any blockage to an assignment to Mrs. Weick. What
14 would you do in that regard?

15 WITNESS: I would just keep the station.

16 JUDGE SIPPEL: Why? Why in terms of what has
17 happened that has changed -- it appears as though from that
18 answer, that you changed your mind because according to this
19 footnote, you had plans to assign it to Mrs. Weick.

20 WITNESS: Correct. Correct.

21 JUDGE SIPPEL: You no longer have plans to assign it
22 to Mrs. Weick no matter what happens here. Is that what your
23 testimony is?

24 WITNESS: Well, to my knowledge, the way it was
25 explained to me by J. Braff, if I'm pronouncing his name

1 correctly, FCC attorney -- FCC matter attorney, right? In a
2 conversation with him relating to my case with the U.S.
3 Attorney, he interpreted the law to be that if I was to sell
4 the station prior to a conviction, that then in all honesty on
5 the application, I could state that I have not been convicted
6 of a felony and therefore, the station could continue in
7 operation.

8 And I had the sympathy of Mrs. Weick, who is my
9 mother, that she would carry on with TBN and local programming
10 or whatever we could finally put on there. So I then applied
11 for a transfer and was sent a card that they received it and
12 later was sent a card from the FCC that it was granted and
13 about a month and a half after that, I was sent a card saying
14 that it was being held in abeyance.

15 JUDGE SIPPEL: Pending what?

16 WITNESS: Pending investigation. It didn't say --
17 they didn't say the reason why. Then I called Keith Larson
18 and Barbara Kreaseman with the FCC and then they told me
19 because of allegations that they had heard relating to a
20 felony conviction for drug trafficking.

21 JUDGE SIPPEL: What about it? Finish the sentence.
22 So what is your thought that you're trying to say?

23 WITNESS: So that was the reason they held that in
24 abeyance.

25 JUDGE SIPPEL: And now you're into hearing with

1 respect to that.

2 WITNESS: Right.

3 JUDGE SIPPEL: Is that what your understanding is?
4 That's what this hearing is about.

5 WITNESS: Yeah. Well, no, at that point -- now,
6 see, first they said that it was assigned --

7 JUDGE SIPPEL: I understand. I'm saying --

8 WITNESS: And then I did not reapply then for my
9 renewal because I had reassigned prior. But then when they
10 notified me that it was not assigned, then I reapplied to keep
11 things copacetic here and correctly and to follow the FCC
12 rules. I then reapplied for renewal or actually applied for
13 renewal of my license.

14 JUDGE SIPPEL: Now, my question -- back again to
15 being what it was originally, I thought, and that is that
16 assuming hypothetically -- assuming hypothetically you were to
17 get your license renewed, what would be your intentions with
18 respect to an assignment to your mother?

19 WITNESS: I would not assign it.

20 JUDGE SIPPEL: Under -- not under any circumstances
21 --

22 WITNESS: Under --

23 JUDGE SIPPEL: -- under that scenario.

24 WITNESS: The only reason I assigned it was to
25 protect the station because of the court case that I was going

1 through.

2 JUDGE SIPPEL: You thought that you had a way in
3 which you could --

4 WITNESS: Legally --

5 JUDGE SIPPEL: -- legally and quickly assign it to
6 your mother and get out -- get the station out from under your
7 problem.

8 WITNESS: Exactly.

9 JUDGE SIPPEL: Is that the sum and substance of it?

10 WITNESS: That's it exactly.

11 JUDGE SIPPEL: I may have another area that I want
12 to -- oh, I know what that is. Is there -- there was
13 representation about seeking a stipulation on the status of
14 his FCC record. Has that been worked out or is that still
15 undergoing or what's the status?

16 MR. McCARTIN: Your Honor, we had discussed it
17 preliminarily, but without any follow-up and we would be
18 interested in, you know, a stipulation that there are no --
19 there's no record of FCC violations in the Commission's files
20 and in other cases, I know that, you know, that hasn't been a
21 problem getting it, assuming that the facts bear it out.

22 MR. McCARTIN: Yeah, that would be no problem.

23 JUDGE SIPPEL: What's your testimony in that regard?
24 Do you have any violations with the FCC? Have you ever had a
25 FCC violation? Have you ever been cited for anything wrong by

1 the FCC?

2 WITNESS: No, sir.

3 JUDGE SIPPEL: Other than this proceeding.

4 WITNESS: Right.

5 JUDGE SIPPEL: This is it.

6 WITNESS: This is it.

7 JUDGE SIPPEL: That's all that I have. You may --
8 did you want to -- well, why don't you wait until redirect?
9 And then you can come back on any of this you want, Mr.
10 Zauner. Mr. McCartin?

11 MR. McCARTIN: Thank you, Your Honor.

12 REDIRECT EXAMINATION

13 BY MR. McCARTIN:

14 Q Mr. Richards, during the time that you lived at the
15 Montezuma Ranch, did you operate a produce business either on
16 that ranch or at other locations in the vicinity?

17 A Yes.

18 Q Would you describe those businesses?

19 A Well, from 1969 through 1991, I farmed additional
20 farm ground that I leased in the Hereford area closer to the
21 river with more availability of water.

22 Q This is land in addition to your ranch.

23 A Correct.

24 Q And were these farming operations done
25 simultaneously, both on your ranch and in these other parcels?

1 A Yes, they were.

2 Q Continue.

3 A Well, I leased 80 acres for seven years from Mrs.
4 Smith. I leased 110 acres from Gil Cortan for about seven
5 years. I leased about a 40-acre parcel from Dan Woods.

6 Q Mr. Richards, with respect to these parcels you've
7 just described, 80 acres, 110 acres, and 40 acres, what did
8 you grow, if anything, on these parcels?

9 A The majority of time, I always grew carrots.

10 Q And did you sell these carrots after you harvested
11 them?

12 A I sold them across the United States, organically
13 grown produce.

14 Q Mr. Richards, on cross examination, in response to
15 Mr. Zauner's questions, you answered questions concerning a
16 petition for revocation of release which was filed in
17 connection with your Federal criminal proceeding in Arizona.
18 Do you recall those questions?

19 A A petition for --

20 Q In early 1992?

21 A Oh, petition for revocation of release on the
22 grounds -- on my pretrial release.

23 Q Urine analysis.

24 A Pretrial release. Yes.

25 Q Was a hearing held before the judge with respect to

1 that petition?

2 A Yes. Before Judge Tulezzi.

3 Q And what was the resolution of that hearing?

4 A It was denied. Well, the results of the witnesses
5 and the expert witness and it was explained to the
6 satisfaction of Judge Tulezzi that there was no violation of
7 my release.

8 Q You had -- did you have an expert witness with
9 respect to urine analysis testifying on your behalf?

10 A Yes.

11 MR. SCHATTENFIELD: What was his name?

12 WITNESS: Dr. Johnson.

13 BY MR. ZAUNER:

14 Q And what was the upshot of his testimony?

15 A The upshot of his testimony was that T.H.C. remained
16 in the system for as long as 120 days and longer, totally
17 dependant upon your consumption and the strength of the
18 marijuana, the amount, and the length of time.

19 Q I'd like to direct your attention to Paragraph Eight
20 of your statement which is Richard Richards' Revised Exhibit
21 R1 on Page Four.

22 JUDGE SIPPEL: Page Four?

23 MR. McCARTIN: Page Four, Paragraph Eight.

24 BY MR. McCARTIN:

25 Q And I'd like to direct your attention to the last

1 portion of the final sentence of that paragraph where you
2 state with respect to your ranch, "... which I estimate to be
3 worth approximately \$550,000." What did you mean by that
4 statement?

5 A The \$550,000 was the amount through an appraisal
6 that the government paid for after they gave me \$549,000, the
7 balance of the value of the ranch, the total 82 1/2 acres.

8 Q So that was -- represented the fair market value of
9 the ranch after --

10 A After they had -- after they established the scenic
11 easement and recorded it of record so that you could not build
12 any more houses and after I put 150 Arizona cyprus trees all
13 along the border to block the view of the visitors coming into
14 the park so they wouldn't see my buildings and think that was
15 the entrance to the National Park.

16 Q The value of \$550,000 was as of what date?

17 A 1985.

18 Q Since that time, have land prices gone up, down, or
19 remained the same?

20 MR. ZAUNER: Objection. This witness has not been
21 authenticated as an expert on real estate values in the Sierra
22 Vista area.

23 MR. MCCARTIN: Well, Your Honor, I don't think it
24 takes an expert to testify to that kind of effect.

25 JUDGE SIPPEL: He's testifying as to what